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MONTANA LEGISLATIVE HISTORY

Chapter 235 19 85

Bill H 431 S _____ Original bill & history ____C

H. Committee on Judiciary			S. Committee on Local Government		
Hearing Date(s)	Feb 11	✓ C	Hearing Date(s)	Mar 12	✓ C
	Feb 16	✓ C			C
		C			C
		C			C
Date Out	Feb 16	✓ C		Mar 12	✓ C

Did this bill originate in an interim committee? ____Yes ____No

Committee _____ Report _____

HB 430 INTRODUCED BY BRADLEY, NORMAN, ET AL.
ESTABLISHES VOLUNTARY STATEWIDE GENETICS PROGRAM

1/23	INTRODUCED		
1/23	REFERRED TO APPROPRIATIONS		
2/13	HEARING		
3/29	COMMITTEE REPORT-BILL PASS AS AMENDED		
4/01	2ND READING PASS	85	11
4/01	3RD READING PASS	84	14
	TRANSMITTED TO SENATE		
4/03	REFERRED TO TAXATION		
4/03	FISCAL NOTE REQUESTED		
4/08	FISCAL NOTE RECEIVED		
4/10	HEARING		
4/17	COMM REPORT-BILL CONCURRED AS AMENDED		
4/17	ON MOTION RULES SUSPENDED PLACED ON 3RD READING 85TH DAY		
4/19	2ND READING CONCURRED AS AMENDED	39	11
4/19	3RD READING CONCURRED	43	6
	RETURNED TO HOUSE WITH AMENDMENTS		
4/20	2ND READING AMENDMENTS NOT CONCURRED	82	16
4/20	FREE CONFERENCE COMMITTEE APPOINTED		
4/24	FREE CONFERENCE COMMITTEE REPORT		
	HOUSE		
4/24	2ND READING FREE CONFERENCE COMMITTEE REPORT ADOPTED	73	17
4/25	3RD READING FREE CONFERENCE COMMITTEE REPORT ADOPTED	79	19
	SENATE		
4/25	2ND READING FREE CONFERENCE COMMITTEE REPORT ADOPTED	42	5
4/25	3RD READING FREE CONFERENCE COMMITTEE REPORT ADOPTED	44	5
5/01	SIGNED BY SPEAKER		
5/01	SIGNED BY PRESIDENT		
5/02	TRANSMITTED TO GOVERNOR		
5/10	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 706 EFFECTIVE DATE: 10/01/85		

HB 431 INTRODUCED BY NATHE
REQUIRE SHERIFF'S SALE TO BE POSTED & PUBLISHED 1 WEEK BEFORE SALE

1/23	INTRODUCED		
1/23	REFERRED TO LOCAL GOVERNMENT		
1/26	REREFERRED TO JUDICIARY		
2/11	HEARING		
2/16	ADVERSE COMMITTEE REPORT		
2/18	OBJECTION TO ADVERSE COMMITTEE REPORT		
2/19	2ND READING PASS AS AMENDED	92	0
2/20	3RD READING PASS	100	0
	TRANSMITTED TO SENATE		
2/22	REFERRED TO LOCAL GOVERNMENT		

3/12	HEARING		
3/13	COMMITTEE REPORT-BILL CONCURRED		
3/15	2ND READING CONCURRED	48	0
3/18	3RD READING CONCURRED	47	2
	RETURNED TO HOUSE		
3/23	SIGNED BY SPEAKER		
3/23	SIGNED BY PRESIDENT		
3/25	TRANSMITTED TO GOVERNOR		
3/29	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 235 EFFECTIVE DATE: 10/01/85		

HB 432 INTRODUCED BY GILBERT
ALLOW OPI TO PAY SPECIAL EDUCATION CO-OPS FROM EQUALIZATION FUNDS
BY REQUEST OF SUPERINTENDENT OF PUBLIC INSTRUCTION

1/23	INTRODUCED		
1/23	REFERRED TO EDUCATION & CULTURAL RESOURCES		
2/08	HEARING		
2/09	COMMITTEE REPORT-BILL DO PASS		
2/11	2ND READING PASS	97	0
2/12	3RD READING PASS	98	0
	TRANSMITTED TO SENATE		
2/13	REFERRED TO EDUCATION & CULTURAL RESOURCES		
3/11	HEARING		
3/12	COMMITTEE REPORT-BILL CONCURRED		
3/14	2ND READING CONCURRED	45	0
3/16	3RD READING CONCURRED	46	1
	RETURNED TO HOUSE		
3/20	SIGNED BY SPEAKER		
3/21	SIGNED BY PRESIDENT		
3/21	TRANSMITTED TO GOVERNOR		
3/22	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 156 EFFECTIVE DATE: 10/01/85		

HB 433 INTRODUCED BY GRADY, DONALDSON, ET AL.
APPROPRIATE FUNDS TO ADMINISTER GRANT FOR CRIME PREVENTION/CRIMESTOPPERS
BY REQUEST OF BOARD OF CRIME CONTROL

1/23	INTRODUCED		
1/23	REFERRED TO APPROPRIATIONS		
2/01	HEARING		
	DIED IN COMMITTEE		

HB 434 INTRODUCED BY SCHYE, SWITZER, ET AL.
TERMINATION OF UNUSED SEVERED MINERAL INTERESTS

1/23	INTRODUCED		
1/23	REFERRED TO NATURAL RESOURCES		
1/24	FISCAL NOTE REQUESTED		
1/29	FISCAL NOTE RECEIVED		
2/01	HEARING		
2/11	COMMITTEE REPORT-BILL PASS AS AMENDED		
2/12	2ND READING DO NOT PASS	54	46

Again, Rep. Nathe stated that the purpose of the bill was to provide that between conviction and before sentencing that an evaluation of the child abuser take place so that the judge could sentence the person based on the evaluation.

David Briggs, executive director of the Mental Health Services, Inc., testified in support of this bill. In dealing with sexual offenders, the standard training that any mental health professional receives does not train them generally to deal with very often unique and very difficult problems such denial and refusal to admit to the problem that sex offfenders do have. It is very important to have specialized evaluations to determine who can be treated or who should be treated in an in-patient setting or in the state prison setting and who can be safely treated on an out-patient basis. Currently, they have 26 individuals involved in their treatment program. That particular program has been going on for two years. At no time in those two years or with those 26 individuals have they had a reoffense. They have done very thorough and comprehensive evaluations. We think the thorough and comprehensive evaluation is very critical in the whole process. He doesn't think putting these habitual sex offenders in jail will benefit anyone.

There being no further proponents or opponents, Rep. Nathe closed.

The floor was opened to questions.

In response to a question asked by Rep. Eudaily, Mr. Briggs said they had a struggle coming up with some phrasiology pertaining to qualified persons in the state.

Rep. Nathe suggested that perhaps an amendment would help solve the problem Rep. Eudaily was having. He suggested that on line 19 to strike "psychiatric" insert "psychological". Rep. Nathe stated that he has had a struggle trying to define this particular portion.

There being no further questions, hearing closed on HB 644.

CONSIDERATION OF HOUSE BILL NO. 431: Rep. Dennis Nathe, House District #19, stated this is an act that requires that all the sheriff's sales be publicly posted and advertised in a newspaper at least one week before the sale.

There being no further proponents or opponents, Rep. Nathe closed, and the floor was opened for questioning.

Rep. Hammond wanted to know if there is a cost to the sheriff's department to post these notices. Rep. Nathe assumes it comes out of the county budget.

Rep. Addy said that publication of notice of the sale has been required in the past, and it requires one a week for three weeks. You would divide that requirement for publication by 1/3. Instead of three notices, there would only be one notice. He sees the bill as having an opposite effect.

Rep. Nathe said that there seems to be all types of property that fall under the sheriff's sale provision. Mr. Nathe doesn't know if all of them are being covered by the publication of the papers.

There being no further questions, hearing closed on HB 431.

CONSIDERATION OF HOUSE BILL NO. 529: Rep. Kelly Addy, House District #94, sponsor of HB 529, testified before the committee. He said this is a bill that seeks to sure up the solvency of the uninjured employers fund under the workers' compensation statute. At present, if an employee is injured and the employer is injured, the employee is limited to remedies under workers' compensation law. On the other hand, if the employee is injured and the employer is uninsured, they have to make an election between the two remedies. One is to make a claim against the uninsured employer's fund, and if it isn't solvent a person gets a certain portion of nothing from that fund; or proceed against the employer. Quite often the employer (if it is a corporation) is undercapitalized and doesn't have any assets against which the person can proceed if he gets a judgment. The unfortunate situation as it now stand is that the employee needs to make that election at the outset.

This bill give the employer three options to proceed with. You can proceed with the three options without excluding the other two. Rep. Addy pointed out some of the changes as set forth in the bill.

Karl Englund, Montana Trial Lawyers Association, said that the notion of election is a very difficult determination to make right now. This bill will take away incentive from employers not to cover and provide an injured person three ways to try to get compensated for their injuries with the understanding that he is only going to be compensated one time.

DAILY ROLL CALL

HOUSE JUDICIARY COMMITTEE

49th LEGISLATIVE SESSION -- 1985

Date 2/11/85

NAME	PRESENT	ABSENT	EXCUSED
Tom Hannah (Chairman)	✓		
Dave Brown (Vice Chairman)	✓		
Kelly Addy	✓		
Toni Bergene	✓		
John Cobb	✓		
Paula Darko	✓		
Ralph Eudaily	✓		
Budd Gould	✓		
Edward Grady	✓		
Joe Hammond	✓		
Kerry Keyser	✓		
Kurt Krueger	✓		
John Mercer	✓		
Joan Miles	✓		
John Montayne	✓		
Jesse O'Hara	✓		
Bing Poff	✓		
Paul Rapp-Svrcek	✓		

Rep. O'Hara moved that HB 585 DO PASS. The motion was seconded by Rep. Gould and carried 13-4. (See roll call vote.)

ACTION ON HOUSE BILL NO. 431: Rep. Keyser moved that HB 431 DO PASS. The motion was seconded by Rep. O'Hara. Rep. Brown made a substitute motion for a DO NOT PASS. The motion was seconded by Rep. Keyser. Rep. Brown said the bill doesn't provide enough notice. There being no further discussion, the question was called and the motion passed with Reps. Poff and Hannah dissenting.

ACTION ON HOUSE BILL NO. 341: Rep. Gould moved that HB 341 be referred back to the house on second reading. The motion was seconded by Rep. O'Hara.

Rep. Cobb informed the committee that the sponsor of the bill wished to have the following amendment adopted by the committee. On page 1, line 15 delete "person to whom" and insert "holder of" and delete "is issued". The purpose of the amendment was for clarification. However, following further discussion, Rep. Cobb withdrew his motion to amend.

Without any objection from the committee, HB 341 was referred back to the house.

ADJOURN: Upon motion of Rep. Keyser, and that motion having been seconded, the meeting adjourned at 8:10 a.m.

* * *

Chairman Hannah called another executive session to order at 12:20 p.m. on Saturday, February 16, 1985 in Room 312-3 of the State Capitol. All members were present with the exception of Joan Miles who left her proxy vote with the chairman.

ACTION ON HOUSE BILL NO. 442: Rep. Brown moved that HB 442 DO NOT PASS. The motion was seconded by Rep. Montayne.

Rep. Bergene moved the following amendments:

1. Title, line 6.
Following: "BROUGHT"
Insert: "BY THE CHILD"

Following: "UNTIL"
Insert "2 YEARS AFTER"

Following: "CHILD"
Strike: "BECOMES" through "AGE" on line 7.
Insert: "ATTAINS THE AGE OF MAJORITY AND BY AN AGENCY OF THE STATE UNTIL 2 YEARS AFTER AN APPLICATION IS MADE UNDER

STANDING COMMITTEE REPORT

February 16 19 85

MR. SPEAKER:

We, your committee on JUDICIARY

having had under consideration HOUSE Bill No. 431

FIRST reading copy (WHITE)
color

REQUIRE SHERIFF'S SALE TO BE POSTED & PUBLISHED 1 WEEK BEFORE SALE

Respectfully report as follows: That HOUSE Bill No. 431

DO NOT PASS

~~DO PASS~~

REP. TOM HANNAH Chairman.

STATE PUB. CO.
Helena, Mont.

COMMITTEE SECRETARY

Mike Meloy, representing the Montana Press Association, spoke in opposition to the bill. He said the law was originally passed to protect county commissioners. He said these published claims are a particular item of interest, especially in rural counties where there is a real interest to taxpayers as to how their dollars are spent.

Representative Dennis Nathe, District #19, stated his opposition to the bill.

Chairman Fuller opened the hearing for Committee questions.

Senator Harding asked what the statement "or by reference" contained in the bill means. Mr. Morris said it means that county commissioners could publish a statement saying the records are available in the county office for the public to read rather than publishing the actual claims in detail.

Senator Eck asked if some counties already summarize publications. Mr. Morris said two or three counties are already doing this and are in violation of the law but have not been prosecuted.

Senator Fuller asked Mr. Rademacher why these items were not published as regular news items. Mr. Rademacher said many of the small newspapers are far too fiscally strapped to do this.

Senator Fuller asked Mr. Rademacher why they don't provide this service to the counties at a reduced rate. Mr. Rademacher said some larger counties do this but the smaller counties cannot afford to.

The hearing was closed on HB 379.

CONSIDERATION OF HOUSE BILL 431: Representative Dennis Nathe, District #19, is the sponsor of this bill. The bill was introduced to require all sheriff's sales of nonperishable personal property to be publicly posted and advertised in a newspaper at least one week before the sale.

PROPONENTS

There were no proponents to HB 431.

OPPONENTS

There were no opponents to HB 431.

Chairman Fuller opened the hearing for Committee questions. There were no questions from Committee regarding HB 431.

The hearing was closed on HB 431.

ACTION TAKEN ON HOUSE BILL 431: Senator McCallum moved that HB 431 BE CONCURRED IN. The motion passed with Senators Hirsch and Story voting no. Senator McCallum will carry the bill.

CONSIDERATION OF HOUSE BILL 414: Representative Dennis Iverson, District #12, is the sponsor of this bill. The bill was introduced to revise the salaries, work period, and overtime compensation provisions of employees of a local department of public safety; to provide minimum salaries based on deputy sheriff compensation with exceptions; to provide for a work period designation to replace the work week; and to provide that employees' rate of overtime may be established by the board of county commissioners.

PROPONENTS

Joe Garfield, Toole County Commissioner, spoke in favor of the bill. He distributed a handout regarding sheriffs' salaries and public safety director and employees' salaries. It is attached as Exhibit C to these minutes. He said they are losing trained sheriffs to labor jobs because they pay more.

Senator Gary Aklestad, District #6, stated his support of the bill.

Gordon Morris, representing the Montana Association of Counties, stated his support of the bill.

OPPONENTS

There were no opponents to HB 414.

Chairman Fuller opened the hearing for Committee questions. There were no questions from the Committee regarding HB 414.

The hearing was closed on HB 414.

Senator Regan requested the bill be held by the Committee until we deal with the other county salary bills.

CONSIDERATION OF HOUSE BILL 436: Representative Earl Lory, District #59, is the sponsor of this bill. The bill was introduced to require membership of one conservation district board member on each city-county planning board in the State.

PROPONENTS

Ray Beck, representing the Conservation Districts Division of the Department of Natural Resources and Conservation, spoke in favor of the bill. His written testimony is attached as Exhibit D to these minutes.

STANDING COMMITTEE REPORT

MARCH 12 19 85

MR. PRESIDENT

We, your committee on LOCAL GOVERNMENT

having had under consideration HOUSE BILL No. 431

THIRD reading copy (BLUE color)

(McCALLUM WILL CARRY)

REQUIRE SHERIFF'S SALE TO BE POSTED & PUBLISHED
1 WEEK BEFORE SALE

Respectfully report as follows: That HOUSE BILL No. 431

BE CONCURRED IN

~~XXXXX~~
~~DO PASS~~

~~XXXXXXXXX~~
~~DO NOT PASS~~

Senator Dave Fuller
Chairman.